

### REMARKS

Claims 1-24 having been withdrawn, Claims 25-48 are now presented for examination. Claims 25, 29, 36 and 40 have been amended to define still more clearly what Applicant regards as his invention, in terms which distinguish over the art of record. Claims 25 and 36 are the only independent claims now under consideration.

In the Official Action dated September 25, 2003, Claims 25 to 27, 30 and 33 to 35 were rejected under 35 U.S.C. § 102(e), as anticipated by U.S. Patent No. 6,515,697 (Yamada et al.). Claim 28 was rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of U.S. Patent 6,188,431 (Oie). Claims 29, 31 and 32 were rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of U.S. Patent 6,282,362 (Murphy et al.). Reconsideration and withdrawal of each of the rejections respectfully are requested in view of the above amendments and the following remarks.

Independent Claim 25 as currently amended is directed to image transmission apparatus in which a transfer unit transfers the information of data amount indicating the data amount of image data to an external apparatus and the information of priority order of the image data. A reception unit receives from the external apparatus a response signal indicating whether or not the external apparatus admits the transmission of the image data according to the information of data amount, the information of priority order and the free storage capacity of a storage unit to store the image data in the external apparatus. A control unit controls the transmission of the image data according to the response signal received by the reception unit to indicate whether or not the transmission of the image data is admitted.

The feature of transferring the information of priority order of image data and a response signal that responds, inter alia, in accordance with information of priority order in Claim 25 as currently amended is disclosed in the specification at least at lines 12 through 26 of page 37. No new matter is believed to have been added.

In Applicant's view, Yamada et al. discloses a digital camera in which the state of copying is monitored and displayed when image data stored in a main memory are copied to an auxiliary memory, and data for preventing illegal copying are added thereto, in order to improve operability and reliability. When a copying mode is designated, the image data stored in the main memory MM upon photographing are transferred and copied to a detachable auxiliary memory MC by way of a bus B. During copying, the number of uncopied image data in the main memory MM and the number of image data which can be copied to the auxiliary memory MC are sequentially displayed in a liquid crystal display section 30, while each image data is copied with management data indicative of the date and time of copying or the like added thereto. Also, flag data indicating that copying is in progress and that copying has been completed are added thereto. Further, when the auxiliary memory MC is attached to or detached from the camera during copying or photographing, the system is forcibly reset, thereby preventing abnormality from occurring beforehand.

According to the invention of Claim 25, an image transmission apparatus transmits to an image reception apparatus information of data amount indicating the amount of image data and information of the priority order of the image data. The image reception apparatus transmits to the image transmission apparatus a response signal indicating whether or not the image reception apparatus admits the transmission of the image data in accordance with the received information of data amount, the received information of priority order and free storage capacity which the image reception apparatus has to store the image data. The image transmission apparatus controls the transmission of the image data from the image transmission apparatus to the image reception apparatus in accordance with the response signal. Advantageously, the image transmission apparatus transmits at least image data having higher order priority even if the free storage capacity of the image reception apparatus runs short of storage area.

Yamada et al. may teach copying from a main memory of a digital camera to an auxiliary memory connected to the camera. As clearly disclosed at lines 4 through 12 of column 2 of Yamada et al. "Preferably, the control means sequentially detects the free capacity of the auxiliary memory; upon detection of shortage of the free capacity in the auxiliary memory before the whole image data in the main memory is completely transferred and copied, temporarily stops transferring and copying operations; and, after detecting that a new auxiliary memory is attached to the connector means, causes the remaining image data to be transferred and copied to the new auxiliary memory." The use of a new auxiliary memory is also disclosed in detail with respect to steps S66, S72, S74, S76 and S78 of Fig. 5. As a result, if the external memory runs short of its free storage capacity to store copied image data, Yamada changes the external memory to another one to continue to copy the image data. In contrast to Yamada et al., it is a feature of Claim 25 that a reception unit in an image transmission apparatus receives from an external apparatus a response signal indicating whether or not the external apparatus admits the transmission of said image data in accordance with information of data amount, information of priority order and the free storage capacity of storage means to store said image data in said external apparatus and a further feature that a control unit in the image transmission apparatus controls transmission of image data according to the response signal indicating whether or not to admit the transmission of the image data. It is not seen that Yamada et al. in any manner teaches or suggests transmission of the information of priority order of image data and a response signal indicating whether or not an reception apparatus admits the transmission of the image data in accordance with that information as in Claim 25. Accordingly, it is believed that Claim 25 as currently amended is completely distinguished from Yamada et al. and is allowable.

Claims 36-38, 41 and 44-46 were rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of U.S. Patent U.S. Patent 5,648,816 (Wakui). Claim 39 was

rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of Wakui and further in view of Oie. Claims 40, 42 and 43 were rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of Wakui and further in view of Murphy et al. Claim 47 was rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of U.S. Patent 6,300,976 (Fukuoka). Claim 48 was rejected under 35 U.S. § 103(a) as unpatentable over Yamada et al. in view of Wakui and further in view Fukuoka. Reconsideration and withdrawal of each of the rejections respectfully are requested in view of the above amendments and the following remarks.

Independent Claim 36 as currently amended is directed to image reception apparatus in which a reception unit receives a transfer including information of data amount indication of the data amount of image data and information of the priority order of the image data from an external apparatus. A detection unit detects the free storage capacity of a storage unit to store the image data. An output unit outputs the indication screen to indicate the reception of the image data in accordance with the information of data amount, the information of priority order and the free storage capacity. A transmission unit transmits to the external apparatus the signal indicating whether or not the image data are required in accordance with the reception indication of the image data. An image reception unit transmits to the external apparatus the signal indicating whether or not the external apparatus admits the transmission of the image data to receive the image data transmitted by the external apparatus in response to the signal transmitted by the image reception unit.

The feature of receiving by an image reception apparatus information of priority order of image data from an external apparatus, outputting a screen indication of reception of image data, inter alia, in accordance with information of priority order and transmitting to external apparatus a signal to indicate whether or not image data is required according to the indication of reception of the image data signal is in Claim 36 as currently amended is

disclosed in the specification at least at lines 12 through 26 of page 37. No new matter is believed to have been added.

In Applicant's opinion, Wakui discloses a still video camera that has an image pickup device with a non-volatile memory incorporated in the camera. An image taken by the image pickup device can be recorded or an image recorded in the non-volatile memory can be erased. An external memory, which is detachably attached by a connector portion to the camera, may also be used to store images taken by the image pickup device. The still video camera has a connection detecting device which detects the connection between the connector portion and the external memory. A recording device records image signals representative of the image taken by the image pickup device in the non-volatile memory or the external memory. The recording device records the image signals in the external memory when the connection between the connector portion and the external memory is detected by the connection detecting device.

It is a feature of Claim 36 as currently amended that an image reception apparatus receives information including information of priority order of image data from an external apparatus, outputs a screen indication to indicate reception of image data according to the information of priority order, and transmits to the external apparatus a signal indicating whether image data is required according to the screen reception indication of image data. As discussed with respect to Claim 25, Yamada et al. is restricted to teaching that, if the external memory runs short of its free storage capacity to store copied image data, the external memory is changed to another one to continue to copy the image data but is devoid of any suggestion of utilizing information of priority order of image data to determine the transfer of image data from an external apparatus to an image reception apparatus as in claim 36. It is therefore believed that Claim 36 is completely distinguished from Yamada et al.

Wakui may teach that image data stored in an image memory can be transferred to an IC memory card in a recording mode and the image data stored in the IC memory card can be transferred to the image memory in a playback mode. The Wakui disclosure, however, is devoid of any suggestion of receiving a transfer of information including information of priority order of image data from an external apparatus, or utilization of such transferred information of priority in the admission of image data from the external apparatus as in Claim 36. Since neither Yamada et al. nor Wakui in any manner teaches or suggests the features relating to information of priority in an image receiving apparatus, it is not seen that the addition of Wakui's data transfers between an IC memory card and an image memory devoid of utilization of information of priority order to Yamada et al.'s changing from a first external memory to another external memory if the first external memory runs short of free storage capacity which contradicts the utilization of information of priority order could possibly suggest the features of Claim 36. Accordingly, it is believed that Claim 36 as currently amended is completely distinguished from any combination of Yamada et al. and Wakui and is allowable.

Accordingly, Applicant submits that independent Claims 25 and 36 are patentable over the art of record. The claims depending from Claim 36 are patentable for at least the same reasons, as well as for the additional features they recite.

Applicant requests that the present Amendment be entered under 37 CFR § 1.116. Applicant submits that the present amendments merely are minor or formal in nature, and reduce the number of issues for consideration. Applicant believes the present Amendment was necessitated by the outstanding Official Action, and submits that the present amendments were not previously made because Applicant believes the prior claims are allowable.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action, and submits that the application is in

allowable form. This Amendment was not earlier presented because Applicant believed that the prior Amendment placed the application in condition for allowance. Favorable consideration of the claims and passage to issue of the present application at the Examiner's earliest convenience earnestly are solicited.

Applicant's attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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DUPLICATE/SUBSTITUTE  
ORIGINALS INCLUDING  
FULL TEXT OF PREVIOUSLY  
WITHDRAWN CLAIMS;  
RE SUBMITTED  
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